UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

Civil Action No. 05CV 11841 NG

NEW CINGULAR WIRELESS PCS LLC,

Plaintiff,

V.

TOWN OF NORTH ANDOVER, MASSACHUSETTS,
BOARD OF APPEALS of the TOWN OF NORTH
ANDOVER, ELLEN McINTYRE, RICHARD J. BYERS,
ALBERT P. MANZI III, JOSEPH D. LaGRASSE,
DAVID R. WEBSTER, DANIEL S. BRAESE,
THOMAS D. IPPOLITO, RICHARD M. VAILLANCOURT,)
as they are members and associate members of the Board,
Defendants.

JOINT MOTION TO RESCHEDULE THE DATE FOR FILING THE RECORD AND TO EXTEND THE SUMMARY JUDGMENT DEADLINES

The plaintiff, New Cingular Wireless PCS, LLC ("Cingular") and the defendants, Town of North Andover, et al. ("Town"), move that the Court set the following dates, which would supersede the dates in the Parties' proposed schedule adopted by the Court at the scheduling conference on April 27, 2006:

Amended Proposed Pretrial Schedule:

EVENT	DEADLINE
Defendants file the certified record	August 28, 2006
Substantial Evidence Briefs/Cross-Motions for summary judgment on the record	September 30, 2006
Response Briefs	October 15, 2006

As grounds for this motion, the parties state:

- 1. The original scheduling order required the Town to file the Administrative Record by June 30, 2006. See Joint Scheduling Conference Statement at p. 4. The Town has not filed the Administrative Record, believing that the matter was likely to be settled. However, due to unforeseen events, including a flood causing a continuance, the Town's Planning Board did not act as quickly as anticipated. Therefore, the parties have decided to ask the Court to set the above deadlines, each side reserving all rights in the event that the case does not settle.
- 2. The August 28, 2006 date provides sufficient time to file the record after the defendant boards consider settlement at meetings that will occur on or before August 15.

THE PLAINTIFF, By its Attorney,

THE DEFENDANTS, By their Attorneys,

/s/ Douglas H. Wilkins

Stephen D. Anderson, BBO #018700 Douglas H. Wilkins, BBO #528000 Scott Lacy, BBO #633323 Anderson & Kreiger LLP 43 Thorndike Street Cambridge MA 02141 617-252-6575

Dated: August 4, 2006

/s/ Thomas J. Urbelis

Thomas J. Urbelis Urbelis & Fieldsteel, L.L.P 155 Federal Street Boston, Massachusetts 02110 617-338-2200

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